

Declaratory

~~Improvement~~ Res. No. 807- 1949

for the condemnation of the alley
west of Lombard Street from the
south property line of Reynolds
Street to the north property line
of Chestnut Street, excluding
therefrom that portion which crosses
the east and west alley.

Resolution Adopted:

November 15, 1949

Confirmed:

ALL ACTION RESCINDED

Bids Received:

DEC 8 1949

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

For the Vacation - ~~Opening~~ ~~Condensation of right of way for utility purposes~~ of the alley west of Lombard Street from the south property line of Reynolds Street to the north property line of Chestnut Street, excluding therefrom that portion which crosses the east and west alley.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the alley west of Lombard Street from the south property line of Reynolds Street to the north property line of Chestnut Street, excluding therefrom that portion which crosses the east and west alley.

All as shown by a plan of such proposed ~~Opening~~ - Vacation - ~~Condensation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation - ~~Opening~~ ~~Condensation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation - ~~Opening~~ ~~Condensation of right of way for utility purposes~~ is described as follows:

~~ANNEX AND LANDS~~ Lots No. 1, 2, and 4 in Fenkers Addition
 Lots No. 4 and 5 in Woebbekings Addition
 Lots No. 1, 2, and 3 in Lumbards Addition
 all additions lying within the corporate limits of the City of Fort Wayne, Allen County, Indiana.

ALL ACTION RESOINDED DEC 8 1949

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

The vacation of the above described ~~Street and~~ alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described are situated in the northeast quarter ($\frac{1}{4}$) of Section Seven (7), Township Thirty (30) north, Range Thirteen (13) east and lying within the corporate limits of the City of Fort Wayne, Allen County, Indiana

ADOPTED THIS 15th DAY OF November, 1949

Attest: *Joseph M. Schwartz*
 Secretary Board of Public Works.

Frank A. Sereb
Chamney R. Luffloth
 Board of Public Works.

City Of Fort Wayne Indiana

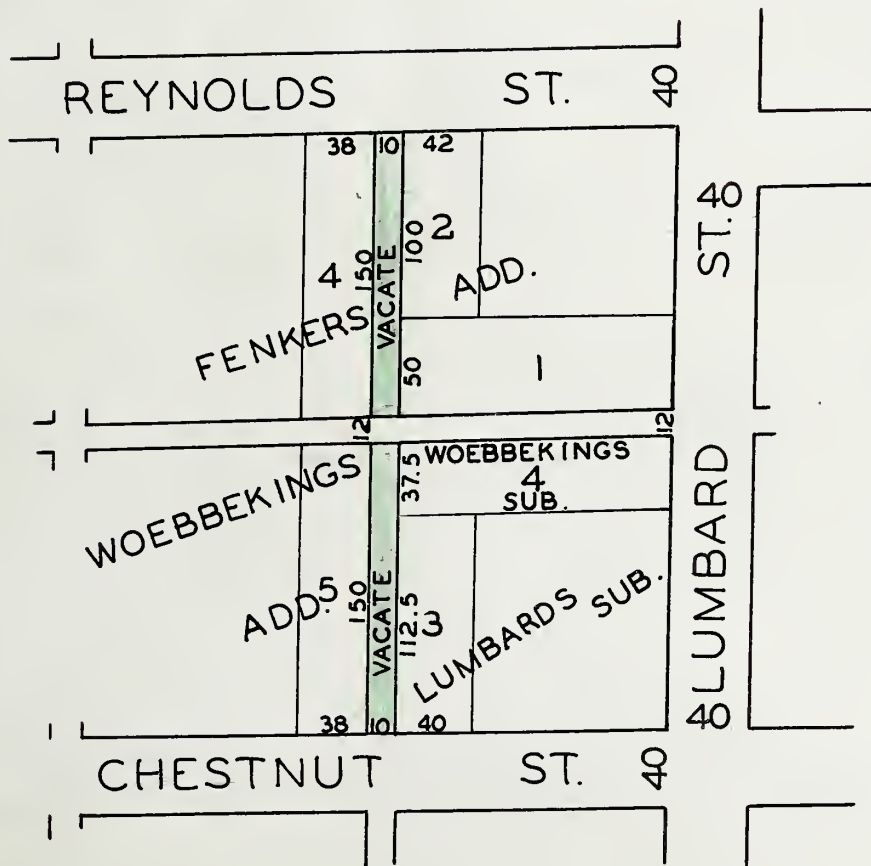


OFFICE OF
ENGINEERING DEPARTMENT

CITY ENGINEER

FORT WAYNE, INDIANA

Declaratory Resolution No. 807-1949.



City Of Fort Wayne
Indiana



OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE, INDIANA

August 25, 1949

Mr. C. Ross Lindemuth
City Engineer
City Hall

Dear Sir:

You are hereby instructed to prepare plans for the vacation of the first alley west of Lombard Street between Chestnut Street and Reynolds Street.

Yours very truly,

BOARD OF PUBLIC WORKS

Walter D. Dyer
Frank A. Dyer

ATTEST:

JMS
Secretary

JMS/vma

Copy sent to City Engineer on November 3, 1949.

P E T I T I O N

Fort Wayne, Ind., August 19, 1949

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real

estate on _____, from

_____ to _____

respectfully petition for the passage of a resolution providing for the VACATION OF THE FIRST ALLEY WEST

OF LUMBARD STREET, BETWEEN CHESTNUT STREET AND REYNOLDS STREET

Silas F. Rypaugh NAME ADDRESS 2517 Chestnut
↓ PETITIONER

x Paul H. Schoenle 1702 Lumbard St.

Ernest Walke 1720 Lumbard St.

Joseph W. Schoenle 1716 Lumbard St.

F. Wade Boylan
COUNCILMAN: WADE BOYLAN
829 E. WAYNE STREET

Petition for Passage

of a Resolution for

vacation of the first alley

west of Lombard Street

between Chestnut Street and

Reynolds Street

from _____

to _____

Filed with the Board of Public Works

Plans ordered: August 25, 1949

Dec. 807

REMONSTRANCE.

Fort Wayne, Indiana, December 8th, 1949.

To the Board of Public Works of the City of Fort Wayne :

Gentlemen:

The undersigned, owners of real estate effected by the within described resolution respectfully remonstrate against the passage of a resolution providing for the vacation of the alley west of Lombard Street from the south property line of Reynolds Street to the north property line of Chestnut Street, excludding therefrom that portion which crosses the east and west alley, on each of the following grounds:

1st. That the proceeding is a private proceeding instigated for the benefit of private individuals and the Board of Public Works of the city of Fort Wayne has no jurisdiction of such a proceeding.

2nd. That the statutes of the state of Indiana do not authorize the Board of Public Works of the city of Fort Wayne to assume jurisdiction of the resolution.

3rd. The effect of the resolution, if passed, would leave the undersigned with no egress from the rear of the real estate owned by him^{or them} and would take away a necessary exit.

Arthur W. Shull

1710 Lombard

Martha H. Shull

1710 Lombard

